

**In the Claims**

Please Cancel Claims 31, 35, and ~~62~~; and

Please Amend Claims 30, 34, and 36 as shown in the following clean version of the entire set of pending claims.

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30. (Amended) A system for distributing video content, the system comprising:

a portable video content storage device upon which digitally encoded video content is securely stored to prevent unauthorized access;

an interactive kiosk configured to be located in a public location, the kiosk further configured to receive and access the portable video content storage device, the kiosk further configured to securely store video content on the portable video content storage device; and

a set-top box configured to receive the portable video content storage device, the set-top box further configured to access the securely stored video content from the portable video content storage device, the set-top box further configured to provide the video content as an output signal to a video display,

wherein the set-top box is further configured to write content use data to the portable video content storage device, and wherein the interactive kiosk is further configured to read content use data from the portable video content storage device.

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31. (Canceled)

32. The system of Claim 30, wherein the portable video content storage device consists essentially of a passive storage media unit.

33. The system of Claim 30, wherein the encoded video content stored on the storage medium is encrypted to prevent unauthorized access.

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34. (Amended) A method of obtaining and using video content, the method comprising:

connecting a portable video content storage device configured for storing digitally encoded video content to an interactive kiosk in a public location;

selecting video content through the kiosk in order to cause the kiosk to store the video content on the portable video content storage device;

disconnecting the portable video content storage device from the kiosk;

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connecting the portable video content storage device to a set-top box in a private location;

causing the set-top box to access, decode, and output as a video signal at least a portion of the selected video content; and

writing content use data to the portable video content storage device.

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35. (Canceled)

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36. (Amended) The method of Claim 34, further comprising reconnecting the portable video content storage device to the kiosk such that content use data written to the portable video content storage device by the set-top box can be read by the kiosk.

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37. A hand-held dedicated secure video content storage device comprising:

a mass storage module configured to store at least about an hour of at least television-suitable quality digitally encoded video content;

a controller configured to prevent unauthorized access to the mass storage module, the controller further configured to permit video content to be written to the mass storage module by a compatibly configured interactive kiosk;

a hand-held housing containing the mass storage module and the controller; and

a communication port mounted in the housing, the communication port configured to be removably connected to the interactive kiosk to thereby establish communication with the interactive kiosk.

38. The device of Claim 37, wherein the communication port comprises an electrical connector.

39. The device of Claim 37, wherein the communication port comprises an optical connector.

40. The device of Claim 37, wherein the controller is configured to authenticate the kiosk.

41. The device of Claim 37, wherein the controller is further configured to enable video content to be read from the mass storage module by a compatibly configured and authorized set-top box.

42. The device of Claim 37, wherein the mass storage module is a disk drive.

43. The device of Claim 42, wherein the controller is further configured to separately limit read and write access to the disk drive.

44. The device of Claim 42, wherein the controller comprises a data buffer configured to buffer data as the data is transferred to or from the disk drive.

45. The device of Claim 37, further comprising stored content use data relating to the use of video content stored on the mass storage module.

46. The device of Claim 37, wherein the controller is configured to limit access to the mass storage module based at least upon a content rating of a content unit.

47. The device of Claim 37, wherein the controller is configured to maintain a set of user preferences relating to the format of content units to be stored on the mass storage module.

48. A set-top box for accessing video content stored on a portable video content storage device, the set-top box comprising:

a receptacle configured to receive the portable video content storage device, wherein the portable video content storage device can be inserted and removed by a user;

a video decoder module configured to decode the video content to produce an output signal; and

a processor configured to control the video decoder module, wherein the processor is further configured to accumulate content use data based at least upon an amount of use of the video content and to store the accumulated content use data on the portable video content storage device.

49. The set-top box of Claim 48, wherein the processor is further configured to control the portable video content storage device.

50. The set-top box of Claim 48, further comprising a decryption module configured to decrypt encrypted video content.

51. The set-top box of Claim 48, further comprising a translation module configured to translate a nonstandard communications protocol used by the portable video content storage device into an industry standard communications protocol.

52. The set-top box of Claim 48, further comprising an authentication module configured to provide authentication information to the portable video content storage device.

53. The set-top box of Claim 48, wherein the output signal comprises video information and audio information.

54. The set-top box of Claim 48, wherein the processor is further configured to access user preferences stored on the portable video content storage device.

55. The set-top box of Claim 54, wherein the processor is further configured to modify the user preferences.

56. The device of Claim 48, wherein the processor is configured to limit access to a content unit stored on the portable video content storage device based at least upon a content rating of the content unit.

57. A method of presenting video content and providing information related to the use of the video content, the method comprising:

receiving in a user accessible receptacle a portable video content storage device storing video content;

reading a portion of the video content from the portable video content storage device;

presenting the portion of the video content;

accumulating present content use data; and

transferring the present content use data onto the portable video content storage device.

58. The method of Claim 57, further comprising:

reading prior content use data from the portable video content storage device; and

amending the prior content use data to incorporate the present content use data.

59. The method of Claim 58, further comprising transferring the amended content use data onto the portable video content storage device.

60. The method of Claim 57, wherein the content use data comprises a listing of executed user commands.

61. The method of Claim 57, wherein the content use data associates a number of uses with a portion of the video content.

#### REMARKS

In the Office Action, Claims 30, 32, 34, and 37-43 were rejected under 35 U.S.C. 103(a) as being unpatentable over Allen (US 5909638) in view of Tatebayashi et al. (US 6182215). Claims 31, 35-36, and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Tatebayashi et al. and further in view of Russo (US 5619247). Claim 33 was rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Tatebayashi et al. and further in view of Peterson (US 5825876). Claims 44 and 46-47 were rejected under 35 U.S.C. 103(a)

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as being unpatentable over Allen in view of Tatebayashi et al. and further in view of Abecassis (US 5696869). Claims 48-51, 53, and 57-61 were rejected under 35 U.S.C. 103(a) as being unpatentable over Allen in view of Hendricks (US 5559549) and further in view of Russo. Claims 52 and 62 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Russo and further in view of Tatebayashi et al. Claims 54-56 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks in view of Russo and further in view of Abecassis.

The Specification has been amended to correct an informality in a reference number.

Claims 30, 32-34, and 36-61 are now pending in the application after the above amendments.

Marked-up versions of the amendments to the application have been appended to the end of this response.

#### Discussion of Certain Embodiments

The following discussion is provided solely to direct the Examiner's attention to certain embodiments that support a number of the pending Claims. This discussion is not intended to define or limit the claimed invention(s) in any way.

One embodiment of the present invention relates to a system through which users can obtain pay-per-use access to video content. (See spec. pg. 2, ln. 27-30) A user accesses a publicly accessible kiosk and loads video content onto a portable video content storage device configured to securely store video content. (See spec. pg. 3, ln. 3-5) The portable video content storage device can be an active device, such as an hard disk drive with a controller. (See spec. pg. 5, ln. 7-16) Alternatively, the portable video content storage device can be a passive device, such as a DVD-RAM. (See spec. pg. 16, ln. 8 - pg. 17, ln. 10) The user preferably accesses the video content by attaching the storage device to a compatibly configured set-top box. (See spec. pg. 3, ln. 5-7) In one embodiment, the storage device includes a hard disk drive on which the video content is stored and also includes an associated controller configured to prevent unauthorized access to the video stored on the hard drive. (See spec. pg. 5, ln. 7-10)

In one embodiment, the set top box stores use data relating the user's use of the video on the storage device. The use data is read upon a subsequent return to the kiosk so that the user can be appropriately charged. (See spec. pg. 3, ln. 7-13) By storing use data on the portable content

storage device and transferring the use data upon a subsequent kiosk visit, there need be no direct communication link, such as a telephone line, between a billing office and the user's home.

#### Discussion of the Cited Art

Allen discloses a user kiosk configured to store video content at high speed on videotapes or DVDs. Allen relates to the creation and distribution of video content, but does not address preventing unauthorized access to video content. Furthermore, Allen does not disclose a controller configured to prevent unauthorized access to the videotapes or DVDs.

Tatebayashi discloses a system for preventing the unauthorized manipulation of video or other proprietary content. A reception (verifier) device is configured to receive and decode a video signal. The reception device is further configured to output the received and decoded signal only to certain authorized or verified devices, called claimant devices, through the use of a verification procedure. By verifying the claimant devices, only certain claimant devices can be configured for receipt of the proprietary content from the receiver device. Accordingly, a DVD-RAM claimant may be authorized to create DVDs from the signal but a personal computer might not be so authorized in order to prevent digital manipulation of the received proprietary content.

Tatebayashi, however, only discloses a verification through which the receiver/verifier verifies the claimant device. The verifier device of Tatebayashi does not include a mass storage module and accordingly does not include any controller configured to prevent unauthorized access to a mass storage module. The claimant device itself does not perform any verification function and there is no teaching or suggestion in Tatebayashi of configuring the claimant device to limit access in any way. Tatebayashi does appear to disclose a small or portable DVD-RAM device which could be used for writing video to a DVD-RAM. Tatebayashi does not, however, disclose any controller configured to prevent unauthorized access to a DVD-RAM.

Russo discloses a system wherein users are charged for the actual use of video content stored on or recorded on a device in the user's home. Use information must be communicated from the point of use to some central location, such as a company office, from which the administration and accounting of the use information can be processed in order to charge the user. Russo does teach transmitting use information through a phone line, and therefore a communication link is required between the user and a company office that administers billing or charges.

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Russo does not teach the use of a portable video content storage device in conjunction with a kiosk or a set-top box. Accordingly, Russo logically cannot and does not teach storing content use data on a portable video content storage device.

Hendricks discloses a set top box that supports an expanded television program delivery system, which allows viewers to select programs from menus. In Figure 5a, Hendricks shows a set top box with a cartridge opening 635 that allows the set to box to be reprogrammed locally with the use of a magnetic tape cartridge. See Col. 15, lines 8-14. Hendricks does not, however, disclose the use of a portable video content storage device.

#### Response to Rejections

Applicants will treat all of the cited references as prior art for purposes of responding to the outstanding Office Action, but reserve the right to demonstrate their own prior invention at a later date. By focusing on specific references, claims and limitations, Applicants do not intend to imply an agreement with the Examiner's assertions with respect to other references, claims, and limitations.

#### **As to Independent Claim 30**

Independent Claim 30 has been amended to incorporate the limitations of Dependent Claim 31. Independent Claim 30, as amended, recites "wherein the set-top box is further configured to write content use data to the portable video content storage device." In rejecting former Claim 31, the Examiner takes the position that Russo discloses these limitations. As discussed above, however, Russo does not disclose writing content use data to a portable video content storage device. Rather, Russo discloses transmitting use information through a telephone line.

Since Russo does not disclose the above-referenced limitations, Applicants respectfully submit that Claim 30 is not unpatentable further in view of Russo. Accordingly, Claim 30 should be allowable.

Claims 32-33 depend from Claim 30 and should likewise be allowable for at least the reasons set forth above with respect to Claim 30.

#### **As to Independent Claim 34**

Independent Claim 34 has been amended to incorporate the limitations of Dependent Claim 35. Independent Claim 34, as amended, recites "writing content use data to the portable video content storage device." In rejecting former Claim 35, the Examiner takes the position that

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Russo discloses these limitations. As discussed above, however, Russo does not disclose writing content use data to a portable video content storage device. Rather, Russo discloses transmitting use information through a telephone line.

Since Russo does not disclose the above-referenced limitations, Applicants respectfully submit that Claim 34 is not unpatentable further in view of Russo. Accordingly, Claim 34 should be allowable.

Claim 36 depends from Claim 34 and should likewise be allowable for at least the reasons set forth above with respect to Claim 34.

**As to Independent Claim 37**

Independent Claim 37 recites "a controller configured to prevent unauthorized access to the mass storage module." In the Office Action, the Examiner takes the position that Claim 37 is unpatentable over Allen in view of Tatebayashi.

As discussed above, neither Allen nor Tatebayashi disclose a controller configured to prevent unauthorized access to a mass storage module. Allen merely discloses the recording of data onto videocassettes or DVDs, but does not address preventing unauthorized access to the videocassettes or DVDs. Tatebayashi teaches a system configured to limit the devices to which a received video signal is provided. The verifier of Tatebayashi does not, however, constitute a mass storage module and therefore Tatebayashi does not limit access to a mass storage module.

Since the cited references do not disclose the above-referenced limitations, Applicants respectfully submit that Claim 37 is not unpatentable over Allen in view of Tatebayashi. Accordingly, Claim 37 should be allowable.

Claims 38-47 depend from Claim 37 and should likewise be allowable for at least the reasons set forth above with respect to Claim 37. These dependent claims also recite additional patentable distinctions over the cited art. For example, Claim 40 recites, "wherein the controller is configured to authenticate the kiosk," and Claim 42 recites, "wherein the mass storage module is a disk drive."

**As to Independent Claim 48**

Independent Claim 48 recites "wherein the processor is further configured to ... store the accumulated content use data on the portable video content storage device." In the Office Action, the Examiner rejects Claim 48 as unpatentable over Hendricks in view of Russo.



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As discussed above, neither Hendricks nor Russo disclose the use of a portable video content storage device. Accordingly, these references logically cannot and do not disclose storing content use data on a portable video content storage device.

Since the cited references do not disclose the above-referenced limitations, Applicants respectfully submit that Claim 48 is not unpatentable over over Hendricks in view of Russo. Accordingly, Claim 48 should be allowable.

Claims 49-56 depend from Claim 48 and should likewise be allowable for at least the reasons set forth above with respect to Claim 48. These dependent claims also recite additional patentable distinctions over the cited art. For example, Claim 49 recites, "wherein the processor is further configured to control the portable video content storage device," and Claim 52 recites, "further comprising an authentication module configured to provide authentication information to the portable video content storage device."

**As to Independent Claim 57**

In the Office Action, the Examiner rejects Claim 57 as unpatentable over Hendricks in view of Russo. Independent Claim 57 recites "transferring the present content use data onto the portable video content storage device."

As discussed above with reference to Claim 48, neither Hendricks nor Russo disclose the use of a portable video content storage device. Accordingly, these references logically cannot and do not disclose storing content use data on a portable video content storage device.

Since the cited references do not disclose the above-referenced limitations, Applicants respectfully submit that Claim 57 is not unpatentable over Hendricks in view of Russo. Accordingly, Claim 57 should be allowable.

Claims 58-61 depend from Claim 57 and should likewise be allowable for at least the reasons set forth above with respect to Claim 57. These dependent claims also recite additional patentable distinctions over the cited art. For example, Claim 58 recites, "amending the prior content use data to incorporate the present content use data," and Claim 60 recites, "wherein the content use data comprises a listing of executed user commands."

**CONCLUSION**

In view of the foregoing remarks, Applicants submit that the application is in condition for allowance. If, however, issues remain which can potentially be resolved by telephone, the

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Examiner is invited to call the undersigned attorney of record at his direct dial number of (949) 721-6377.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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